

REPUBLIC OF LITHUANIA
LAW
ON THE CONTROL OF PRECURSORS
OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

1 June 1999, No VIII-1207

CHAPTER I
GENERAL PROVISIONS

Article I. The Scope

1. This Law shall regulate the activities related to the precursors of narcotic drugs and psychotropic substances and their control in the Republic of Lithuania.
2. The aim of this Law shall be to prevent the use of precursors for the illicit manufacture of narcotic drugs and psychotropic substances.
3. This Law shall not apply to products containing precursors which cannot be recovered and used for the illicit manufacture of narcotic drugs and psychotropic substances.

Article 2. Definitions

1. **Precursors of narcotic and psychotropic substances** (hereinafter - precursors) means chemical substances, salts of these substances or their mixtures frequently used for the illicit manufacture of narcotic drugs and psychotropic substances and are subject for this reason to control under the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and are included in the list of precursors approved by the Ministry of Health.
2. **Narcotic drugs and psychotropic substances** means natural or synthetic substances included in the lists of controlled substances approved by the Ministry of Health which, owing to their harmful effect or their abuse, pose a serious health hazard for human beings, manifesting itself in the psychic and physical dependence of an individual upon these substances or a threat to the health of human beings.
3. **Operator** means any natural or legal person engaged in activities involving precursors.

4. **Ultimate consignee** means any natural or legal person to whom a consignment of precursors is addressed. This natural or legal person need not necessarily be the user of the received substances.

5. **Import of precursors** means any physical introduction of precursors into the customs territory of the Republic of Lithuania.

6. **Export of precursors** means any physical departure of precursors from the customs territory of the Republic of Lithuania.

7. **Transit of precursors** means any transport of precursors through the customs territory of the Republic of Lithuania, with the customs supervision during the passage from one customs office at the border crossing point to the other.

8. **Activities involving precursors** means the manufacture, processing, storage, wholesale and retail trade, including broking, as well as import, export, and transit of precursors.

Article 3. Listing of Precursors

1. A list of precursors shall be made in accordance with the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

2. A list of precursors shall be approved by the Minister of Health in a special decree. The listed precursors and their salts shall be classified into the precursors of category I, category II, and category III on the basis of ability to use them for the illicit manufacture of narcotic drugs and psychotropic precursors.

3. The list of precursors may be amended, updated and supplemented by chemical substances with account of the amendments of the annexes to the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs.

4. Precursors shall be listed under their Lithuanian and international (or in the event of their absence, chemical) names, and their codes under the Combined Customs Tariffs and Foreign Trade Statistical Nomenclature shall be indicated.

CHAPTER II

REQUIREMENTS FOR THE ACTIVITIES INVOLVING PRECURSORS LISTED IN CATEGORY 1

Article 4. Licensing of the Activities Involving Precursors Listed in Category I

1. To qualify for the activities involving precursors listed in category I the operator shall be required to obtain a licence. If the activities involve the manufacture, processing, storage, and sale of precursors listed in category I, they shall be permitted only in the facilities and premises specified in the licence.

2. A licence to engage in the activities involving precursors listed in category I shall be issued to an operator by an institution authorised by the Government in the manner prescribed by the Government of the Republic of Lithuania.

3 . Upon ascertaining violations of the provisions of this Law and other legal acts regulating the activities of operators involving precursors listed in category I, the institution authorised by the Government of the Republic of Lithuania shall suspend or recall the operator's licence. Following the recall of the licence to engage in activities involving precursors listed in category I, the precursors held at an enterprise shall be sold in the manner prescribed by the Government of the Republic of Lithuania, to an operator who has a licence to engage in the same type of activities.

Article 5. Prohibited Activities Involving Precursors Listed in Category I

1. Retail trade in precursors listed in category I, with the exception of medicinal products, shall be prohibited.

2. It shall be prohibited to sell or transfer in any other manner precursors listed in category I to operators who do not have a licence to engage in activities involving precursors listed in category I.

CHAPTER III

REQUIREMENTS FOR THE ACTIVITIES INVOLVING PRECURSORS LISTED IN CATEGORIES II AND III

Article 6. Registration of Activities Involving Precursors Listed in Categories II and III

Operators engaged in activities involving precursors listed in category II and in the export of precursors listed in category III to the countries the list whereof is approved by the Government of the Republic of Lithuania, where the weight of the exported consignment exceeds the weight prescribed by an institution authorised by the Government of the Republic of Lithuania, must register their activities at an institution authorised by the Government of the Republic of Lithuania in the manner prescribed by the Government of the Republic of Lithuania.

CHAPTER IV LABELLING, DOCUMENTATION AND RECORD KEEPING

Article 7. Labelling of Precursors

Precursors shall be labelled in accordance with the procedure of labelling of hazardous chemical substances in force in the Republic of Lithuania. In the manner prescribed by the Ministry of Health, in addition to other information, the label must contain the name of the precursor as given in the list of precursors approved by the Ministry of Health.

Article 8. Documentation Related to the Activities Involving Precursors

Engagement in the activities involving precursors listed in categories I and II as well as the import, export, and transit of precursors listed in category III shall be subject to the following requirements of documentation: all the documents - VAT invoices, invoices, waybills, customs declarations and other documents must identify the names of the precursors under the list approved by the Ministry of Health; their codes under the Combined Customs Tariffs and Foreign Trade Statistical Nomenclature; the amount and weight of the precursor and, where the precursor is a component of a mixture, its percentage in the mixture, its quantity and weight, as well as the quantity and weight of the mixture; the intended use of the precursors; the personal and corporate names and addresses of all the operators engaged in the precursor sales transactions, including the

ultimate consignee. A list of precursors in category II which, under the provisions of this Article, are subject to documentation exemptions, shall be approved by an institution authorised by the Government of the Republic of Lithuania.

Article 9. Record Keeping of Precursors and Operations Involving Precursors

Operators engaged in activities involving precursors listed in categories I and II and in import, export, and transit of precursors must keep records of all transactions involving precursors. Operators engaged in the export of precursors in categories II and III to the countries the list whereof has been approved by the Government of the Republic of Lithuania, where the weight of the exported consignment exceeds the weight established by an institution authorised by the Government of the Republic of Lithuania, shall keep records of the exported precursors. The procedure of record keeping of transactions involving precursors shall be prescribed by an institution authorised by the Government of the Republic of Lithuania.

CHAPTER V

REQUIREMENTS FOR IMPORT, EXPORT AND TRANSIT OF PRECURSORS

Article 10. Authorisations for Import, Export and Transit of Precursors

1. Every case of the import, export and transit of precursors listed in category I shall be subject to an authorisation issued by an institution authorised by the Government of the Republic of Lithuania. An authorisation shall be issued only to those operators who have a licence to engage in these activities.

2. The export of precursors listed in categories II and II shall be subject to an authorisation only when the precursors of these categories are exported to those countries the list whereof has been approved by the Government of the Republic of Lithuania, and the weight of the exported consignment of precursors exceeds the weight established by an institution authorised by the Government of the Republic of Lithuania. An authorisation for the export of precursors in categories II and III shall be issued by an institution authorised by the Government of the Republic of Lithuania only to those operators who have registered their activities.

3. Authorisations for the import, export and carriage by transit of precursors in category I, and for the export of precursors in categories II and III to the countries the list whereof has been approved by the Government of the Republic of Lithuania, if the weight of the exported

consignment of precursors exceeds the weight specified by an institution authorised by the Government of the Republic of Lithuania, shall be issued in the manner prescribed by the Government of the Republic of Lithuania.

Article 11. Control of the Import, Export and Transit of Precursors

1. When importing precursors in category I into the customs territory of the Republic of Lithuania, the operator must produce the authorisation for the import of precursors in category I to the customs office at the border crossing point, at the railway station, the international sea, river or air port through which the consignment of precursors is being introduced. The customs office shall apply its stamp to the import authorisation before returning it to an institution authorised by the Government of the Republic of Lithuania.

2. When exporting precursors in category I, and when exporting precursors in categories II and III to the countries the list whereof has been approved by the Government of the Republic of Lithuania, and where the weight of the exported consignments of precursors in categories II and II exceeds the weight specified by an institution authorised by the Government of the Republic of Lithuania, the operator must produce the authorisation for the export of precursors together with the customs declaration to the customs office at the border crossing point, at the railway station, the international sea, river or air port through which the consignment of precursors is departing. The customs office shall apply its stamp to the export authorisation before returning it to an institution authorised by the Government of the Republic of Lithuania.

CHAPTER VI

CONTROL OF THE ACTIVITIES INVOLVING PRECURSORS

Article 12. Duties of the Operators Engaged in the Activities Involving Precursors in Categories I, II, III

Operators engaged in the activities involving precursors in categories I, II and III must:

1) keep records of the precursors and submit reports about the activities involving precursors to an institution authorised by the Government of the Republic of Lithuania in the manner determined by it;

2) to report, in the manner determined by the Ministry of the Interior, to the law enforcement institutions about the suspicious proposed or performed transactions if there are grounds to believe that precursors are being used or may be used for the illicit manufacture of narcotic drugs and psychotropic substances.

Article 13. Limitation of Quantities of Precursors in Category I

An institution authorised by the Government of the Republic of Lithuania, taking into account the needs of the Republic of Lithuania, shall annually approve the import quotas of precursors for the coming year.

Article 14. Control of the Operators' Activities Involving Precursors

1. Activities of the operators involving precursors shall be controlled by the institutions authorised by the Government of the Republic of Lithuania to licence and register these activities as well as by other institutions in the manner prescribed by the laws of the Republic of Lithuania.

2. The officers of the institutions referred to in paragraph 1 of this Article, in the manner set forth by the laws of the Republic of Lithuania, may, at any time, enter and inspect the premises of the operator related to the activities involving precursors, the manufacturing equipment, the precursors in storage, to take samples of precursors and carry out their analysis, to inspect the records of the activities involving precursors, also to take photos or make copies of the documents.

CHAPTER VII

FINAL PROVISIONS

Article 15. Liability

Individuals who are in breach of the requirements of this Law shall be held liable in the manner prescribed by the laws of the Republic of Lithuania.

Article 16. Implementation of the Law

1. The Government of the Republic of Lithuania shall approve by 1 October, 1999:

1) the procedure for registration, licensing and authorisation of activities involving precursors;

2) a list of the countries to which the export of precursors in categories II and III is subject to authorisation;

3) a tariff of the stamp duty for the issue of licence to engage in activities involving precursors;

4) the institutions which will perform the functions of control, issue of licences and regulation of the activities;

2. An institution authorised by the Government of the Republic of Lithuania, by 1 October, 1999, shall establish and approve:

1) the weight of a consignment of the exported precursors in categories II and III;

2) the procedure for labelling precursors;

3) the procedure for record keeping of transactions involving precursors and of precursors;

4) a list of precursors in category II which will be subject to exemptions under the provisions of Article 8 of this Law.

3. The Ministry of the Interior, by 1 October, 1999, shall determine the procedure of notification about suspicious proposed or completed transactions if there are reasonable grounds to believe that precursors are being used or may be used for the illicit manufacture of narcotic drugs and psychotropic substances.

Article 17. Entry Into Force

This Law, with the exception of Article 16, shall enter into force on 1 October, 1999.

I promulgate this Law passed by the Seimas of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS